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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
CERTIFICATE OF FACSIMILE I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>JULY 14, 2008</u> Signature <u>[Signature]</u> Typed or printed name <u>DAVID J. GASKEY</u>		Application Number 10/569,169	Filed 02/27/2006
		First Named Inventor Markus Hame	
		Art Unit 3651	Examiner Kavel Singh
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 37,139</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p><u>[Signature]</u> Signature David J. Gaskey Typed or printed name 248-988-8360 Telephone number <u>JULY 14, 2008</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 14 2008

60,469-255
PA-000.05304-US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hame, Markus
Serial Number: 10/569,169
Filed: 02/27/2006
Group Art Unit: 3651
Examiner: Singh, Kavel
Title: PASSENGER CONVEYOR DRIVE MONITORING
ARRANGEMENT WITH BRAKE ACTUATION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests pre-appeal review because there is no *prima facie* case of anticipation or obviousness against any of Applicant's claims.

The Examiner's rejections are based upon the *Saito* reference (U.S. Patent No. 5,135,097). There is no *prima facie* case of anticipation or obviousness because the *Saito* reference does not include any teaching that in any way corresponds to any determination whether wheels associated with a drive member of a passenger conveyor drive assembly rotate at the same speed or whether there is any relative rotation between them. In the Advisory Action, the Examiner explains her position as follows:

Saito teaches driving sprocket 18 and driven sprocket 19 are rotatably supported, respectively, and an endless step chain is provided between the two sprockets (wheels of the application). Since the wheels 18, 19 are tied together by the step chain, they do not rotate at the same speed (claim 1).

60,469-255
PA-000.05304-US

In other words, the Examiner contends that the sprockets 18 and 19 of the *Saito* reference do not rotate at the same speed. That conclusion cannot possibly be supported by the plain teachings of the *Saito* reference. The sprockets 18 and 19 are connected to the same step chain and, therefore, must rotate at the same speed. The step chain moves at whatever speed the driving sprocket 18 moves. The driven sprocket 19 moves responsive to the movement of the chain. Therefore, the speed with which the driving sprocket 18 moves has to be the same as that with which the driven sprocket 19 moves because they are both connected with the same endless step chain. It is not possible to have one portion of the step chain moving at a different speed than another.

Because the *Saito* reference is entirely silent regarding any determination whether the sprockets 19 and 18 rotate at the same speed or whether there is any relative rotation between them, it is impossible to establish a *prima facie* case of anticipation or obviousness against any of Applicant's claims. All of the rejections depend upon the same unsupportable conclusion regarding the contents of the *Saito* reference. Therefore, all of the rejections must be withdrawn.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

David J. Gaskey, Reg. No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: July 14, 2008

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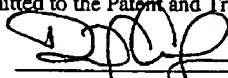
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PA-000,05304-US

CERTIFICATE OF FACSIMILE

I hereby certify that this PRE-APPEAL BRIEF REQUEST FOR REVIEW, relative to Application Serial No. 10/569,169, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on July 14, 2008.



DAVID J. GASLET

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